

# HOUSE BILL No. 1482

## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 25-21.5-9.

**Synopsis:** Land surveyors. Allows a licensed land surveyor to enter any land or property within Indiana to conduct a survey. Provides procedures for: (1) notifying a land owner; and (2) compensating a landowner for any damage.

**Effective:** July 1, 2009.

**Eberhart**

January 14, 2009, read first time and referred to Committee on Rules and Legislative Procedures.

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First Regular Session 116th General Assembly (2009)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2008 Regular Session of the General Assembly.

## HOUSE BILL No. 1482

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A BILL FOR AN ACT to amend the Indiana Code concerning professions and occupations.

*Be it enacted by the General Assembly of the State of Indiana:*

1       SECTION 1. IC 25-21.5-9-7 IS ADDED TO THE INDIANA CODE  
2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
3 1, 2009]: **Sec. 7. Subject to sections 8 and 9 of this chapter, a land**  
4 **surveyor may enter upon, over, or under any land or property**  
5 **within Indiana to conduct a survey or investigation by manual or**  
6 **mechanical means, which include the following:**

7           (1) **Inspecting.**

8           (2) **Measuring.**

9           (3) **Leveling.**

10          (4) **Boring.**

11          (5) **Trenching.**

12          (6) **Sample taking.**

13          (7) **Archeological digging.**

14          (8) **Investigating soil and foundation.**

15          (9) **Transporting equipment.**

16          (10) **Any other work necessary to carry out a survey or an**  
17 **investigation.**



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SECTION 2. IC 25-21.5-9-8 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: **Sec. 8. (a) Before a land surveyor may enter upon, over, or under any land or water under section 7 of this chapter, the occupant of the land or water must be notified of the entry in writing by first class United States mail not later than five (5) days before the date of entry.**

**(b) A land surveyor shall present written identification to the occupant of the land or water to be entered under section 7 of this chapter before entering the land or water.**

**(c) At the same time and in the same manner as the occupant of any land or water is notified of an impending entry under subsection (a), the land surveyor who will make the entry shall notify the occupant and the record owner of the land or property of the following:**

**(1) With respect to damage that may occur to the land or property as a result of entry upon, over, or under the land or property under section 7 of this chapter:**

**(A) a description of the aggrieved party's right to compensation for the damage from the land surveyor; and**

**(B) the procedure that the aggrieved party must follow to obtain the compensation.**

**(2) The name, mailing address, and telephone number of an individual to whom an aggrieved party may direct questions concerning the rights and procedures described in subdivision (1).**

SECTION 3. IC 25-21.5-9-9 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: **Sec. 9. (a) If, during an entry under section 7 of this chapter, damage occurs to the land or water as a result of the entry or work performed during the entry, the land surveyor shall compensate the aggrieved party.**

**(b) If the aggrieved party is not satisfied with the amount of compensation under subsection (a) as determined by the land surveyor, the damage shall be assessed by:**

**(1) the county agricultural extension educator of the county in which the land or water is located; and**

**(2) two (2) disinterested residents of the county, of whom one (1) shall be appointed by the aggrieved party and one (1) shall be appointed by the land surveyor. A written report of the assessment made under this subsection shall be mailed to the aggrieved party and the land surveyor by first class United**

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1           **States mail.**

2           **(c) If either the land surveyor or the aggrieved party is not**  
3           **satisfied with the assessment made under subsection (b), either or**  
4           **both may, not later than fifteen (15) days after receiving the report,**  
5           **file a petition in the circuit or superior court of the county in which**  
6           **the land or water is located seeking a judicial determination of the**  
7           **amount of compensation owed by the land surveyor under**  
8           **subsection (a).**

9           **(d) The land surveyor shall pay any compensation awarded to**  
10          **an aggrieved party under this section:**

11           **(1) not more than sixty (60) days after the date on which the**  
12           **parties agree to the amount of the compensation; or**

13           **(2) as ordered by the circuit or superior court.**

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